



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOHN N. BORBONUS III	Case Number: 21SL-CC00148
Plaintiff/Petitioner: BARBARA MUHAMMAD	Plaintiff's/Petitioner's Attorney/Address JUSTIN KENT SUMMARY 4542 WEST PINE BOULEVARD SAINT LOUIS, MO 63108
Defendant/Respondent: MENARD INC	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: MENARD INC

Alias:

221 BOLIVAR ST.  
JEFFERSON CITY, MO 65101

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

13-JAN-2021

Date

Further Information:  
MT

Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

## NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

### **Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

### **Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

### **Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

**IN THE CIRCUIT COURT FOR THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI**

**BARBARA MUHAMMAD**

**Plaintiff,**

**V.**

**MENARD, INC**

**D.B.A. MENARDS**

**Serve at:**

Lawyers Incorporating Service Co.

221 Bolivar St.

Jefferson City, MO 65101

**DEFENDANT**

**Cause No.** \_\_\_\_\_

**Div. No.** \_\_\_\_\_

**PETITION FOR PERSONAL INJURY**

COMES NOW Barbara Muhammad by and through her attorney, Justin Summary, and for her cause of action states as follows:

1. Plaintiff Barbara Muhammad is a resident of the State of Missouri, County of St. Louis City.
2. Defendant Menard Inc (d.b.a. Menards) is a corporation which owns and maintains the property located at 1700 S. Hanley Rd. in St. Louis, Missouri 63144.
3. This cause of action occurred on or about the 18<sup>th</sup> day of October of 2018 when Plaintiff Barbara Muhammad suffered injuries after tripping and falling after her cart got hung up on an escalator inside the Mendards store located at 1700 S. Hanley Rd. in St. Louis, Missouri 63144.

4. Venue in this matter is proper under V.A.M.S. §508.010.14 (2019).

### **COUNT I- PREMISES LIABILITY**

All allegations contained in paragraphs 1-4 are hereby incorporated by reference into Count I.

5. On or about October 18th, 2018 Plaintiff was shopping at the Menards located at 1700 S. Hanley Rd. in St. Louis, Missouri 63144.
6. Plaintiff was using a custom escalator inside the Menards store that allowed her to ride the escalator along with her shopping cart.
7. Unbeknownst to Plaintiff, there was a dangerous condition present on the escalator in that the escalator created a trip hazard by allowing carts to get hung up at the bottom of the escalator and the escalator had no emergency stop button.
8. As plaintiff reached the end of the escalator, her cart got hung up causing her to trip and fall.
9. As plaintiff was lying on the moving escalator, a second customer was unable to stop his own cart and ran into plaintiff while she was on the ground.
10. The dangerous condition of the escalator created a reasonably foreseeable risk of harm that someone would be injured by tripping over their cart upon it becoming stuck.
11. Defendant had actual or constructive notice of the dangerous condition in sufficient time prior to plaintiff's injury to have taken measures to protect against the dangerous condition.
12. Plaintiff had no knowledge of the dangerous condition of the escalator nor was it reasonably discoverable.

13. Defendant Menard Inc. was negligent in that defendant failed to maintain the escalator or to remove, remedy, or warn of the dangerous condition of the escalator.

14. As a result of defendant's negligence, plaintiff fell and sustained serious physical injuries to her hands, neck, shoulder, back and knees. She has incurred medical expenses in the past and will incur more in the future. She has undergone past medical treatment and will need more in the future. She has lost the quiet enjoyment of her life and now suffers from permanent physical pain and emotional suffering.

WHEREFORE, Plaintiffs pray for a judgment against Defendant Menard Inc. in an amount that is fair and reasonable, in excess of \$25,000, together with interest and costs, and such other and further relief as the court shall deem proper.

THE SUMMARY LAW FIRM

/s/ Justin Summary

Justin Summary Mo Bar #57439

Attorney for Plaintiff

4542 W. Pine Blvd.

St. Louis, MO 63108

(314) 361-5678 (Phone)

(314) 828-8292 (fax)

justin@summarylawfirm.com

**IN THE CIRCUIT COURT FOR THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI**

**BARBARA MUHAMMAD**

**Plaintiff,**

**V.**

**MENARD, INC**

**D.B.A. MENARDS**

**Serve at:**

Lawyers Incorporating Service Co.

221 Bolivar St.

Jefferson City, MO 65101

**DEFENDANT**

**Cause No. 21SL-CC00148**

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**REQUEST FOR ALIAS SUMMONS**

COME NOW the Plaintiff, by and through her attorney, and requests an alias summons to  
be served on the following:

Menard Inc  
c/o Lawyers Incorporating Service Co  
221 Bolivar St.  
Jefferson City, Mo 65101

The summons is to be served on the above-defendant at the above-listed address or  
wherever they may be found.

THE SUMMARY LAW FIRM

/s/ Justin Summary

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Justin Summary Mo Bar #57439

Attorney for Plaintiff

4542 W. Pine Blvd.

St. Louis, MO 63108

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Judge or Division: JOHN N. BORBONUS III	Case Number: 21SL-CC00148
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Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

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The State of Missouri to: MENARD INC

Alias:

LAWYERS INCORPORATING SERVICE CO  
221 BOLIVAR ST.  
JEFFERSON CITY, MO 65101

COURT SEAL OF



ST. LOUIS COUNTY

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08-FEB-2021

Date

Further Information:

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Clerk

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- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons	\$ _____
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Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$. _____ per mile)
<b>Total</b>	\$ _____

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Twenty First Judicial Circuit

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## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

FILED

Judge or Division: JOHN N. BORBONUS III	Case Number: 21SL-CC00148	<b>MAR 14 2021</b> <b>RECEIVED</b> <b>JOAN M. GILMER</b> <b>CIRCUIT CLERK, ST. LOUIS COUNTY</b>  <b>COLE COUNTY</b> <b>SHERIFF'S OFFICE</b>  (Date File Stamp)
Plaintiff/Petitioner: BARBARA MUHAMMAD	Plaintiff's/Petitioner's Attorney/Address JUSTIN KENT SUMMARY 4542 WEST PINE BOULEVARD SAINT LOUIS, MO 63108	
Defendant/Respondent: MENARD INC	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Pers Injury-Other		

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 LAWYERS INCORPORATING SERVICE CO  
 221 BOLIVAR ST.  
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Date

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- ☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to Lawyers Incorporating Service Co. S.C. (name) disigne (title).
- ☐ other \_\_\_\_\_

Served at 350 E. High (address)

in Cole (County/City of St. Louis), MO, on 02-17-2021 (date) at 800 AM (time).

Sheriff John P. Wheeler by for Anne Wieg

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

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125  
02-17-21